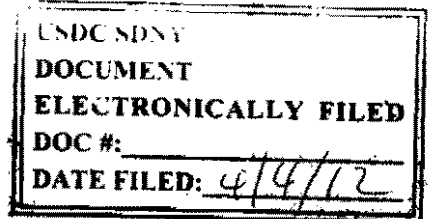


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
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IN RE WORLD TRADE CENTER LOWER :
MANHATTAN DISASTER SITE LITIGATION :
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----- X**ORDER GRANTING CERTAIN**
MOTIONS FOR
REINSTATEMENT

21 MC 102 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

By an order of December 8, 2011, I dismissed 170 cases for failure to supply properly sworn or certified answers to court-ordered interrogatories. As I noted in that order, Plaintiffs had been instructed to supply such certified answers as far back as August 29, 2011, and I had enlarged time—over the course of four orders—to do so until December 2, 2011. Plaintiffs' Liaison Counsel has now moved to reinstate 13 of these 170 cases under Rule 60(b) of the Federal Rules of Civil Procedure. Each of these 13 motions is supplemented by an affidavit from the party-plaintiff stating a reason for non-compliance.

In docket numbers 07 Civ. 5352 and 07 Civ. 1552, a third party prevented the Plaintiff from complying with court orders. I grant reinstatement. In docket numbers 07 Civ. 1462, 07 Civ. 9058, and 08 Civ. 2670, Plaintiffs moved or traveled extensively and did not provide their attorneys with new addresses. Therefore, they did not comply. I grant reinstatement.

I do not grant reinstatement to those Plaintiffs who failed to follow my instructions, whether due to misunderstanding, or because they had other obligations, or because of law-office neglect or filing error. See, e.g., Link v. Wabash R. Co., 370 U.S. 626, 633-634 (U.S. 1962) ("There is certainly no merit to the contention that dismissal of petitioner's claim because of his counsel's unexcused conduct imposes an unjust penalty on the client. Petitioner voluntarily chose

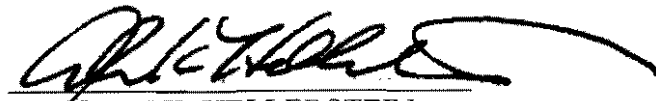
this attorney as his representative in the action, and he cannot now avoid the consequences of the acts or omissions of this freely selected agent. Any other notion would be wholly inconsistent with our system of representative litigation, in which each party is deemed bound by the acts of his lawyer-agent . . .”).

The clerk shall reinstate the five cases noted above, and terminate the motions (docket numbers 4153, 4155, 4157, 4159, 4161, 4163, 4165, 4167, 4169, 4171, 4173, 4175, 4178).

So Ordered.

Dated:

April 4, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge